

**MEMO ENDORSED**

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
52 Duane Street-10th Floor, New York, NY 10007  
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton  
*Executive Director*

*Southern District of New York*  
Jennifer L. Brown  
*Attorney-in-Charge*

September 30, 2022

**BY ECF**

Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
New York, New York 10007

USDC SDNY  
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**Re: United States v. Stephen Simmons  
22 Cr. 399 (VEC)**

Dear Judge Caproni:

I am the attorney for Stephen Simmons, the defendant in the above-captioned case. I write to request an adjournment of the trial date, which was recently rescheduled for November 30, 2022. Unfortunately, the defense will be unavailable for trial on that date. After conferring with AUSA Lindsey Keenan, the prosecution does not object to this request for a new trial date. Both parties remain available to begin trial on December 19, 2022. So long as this date is still available on the Court's calendar, the defense requests to have the trial set to begin on December 19, 2022. Thank you for your consideration of this request.

Respectfully Submitted,

/s/ Marisa K. Cabrera  
Marisa K. Cabrera, Esq.  
Assistant Federal Defender  
Tel.: (917) 890-7612

cc: AUSA Lindsey Keenan (by ECF)

Application GRANTED. Jury selection and trial scheduled to commence November 30, 2022, is hereby ADJOURNED to **December 19, 2022 at 10:00 a.m.** The Final Pretrial Conference is scheduled for **December 13, 2022 at 2:30 p.m.** Both the FPTC and trial will take place in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007.

The Court orders that time is excluded for the period between November 30, 2022, and December 13, 2022, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7) (A), as the ends of justice are served by ensuring Defendant's counsel is available to represent Mr. Simmons at trial, and those interests outweigh the interest of the public and the Defendant in a speedy trial.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

Date: 9/30/2022

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE